

James R. Dickens
MILLER NASH LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352
Telephone: (206) 622-8484

Hon. Ralph R. Beistline

Peter Gruenstein
GRUENSTEIN & HICKEY
Resolution Plaza
1029 W. 3rd Avenue, Suite 510
Anchorage, AK 99501
Telephone: (907) 258-4338

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

v.

FRED MEYER STORES, INC., a Delaware
corporation; and JAIME SAN MIGUEL,

Defendants.

Case No. 1J-04-008-CV (RRB)

MILLER NASH LLP
ATTORNEYS AT LAW
4400 TWO UNION SQUARE
601 UNION STREET, SEATTLE WA 98101-2352
TELEPHONE (206) 622-8484

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
TO ADOPT PROPOSED JUROR QUESTIONNAIRE**

I. DISCUSSION

On Monday, October 1, 2007, defendants received a copy of plaintiff's motion to adopt a proposed juror questionnaire. This questionnaire should be rejected in its entirety because the questions are clearly argumentative, and are an attempt by the plaintiff to try to influence the jury panel with its view of the case on the law and the facts.

Defendants specifically object to the following questions in the proposed juror questionnaire. We suggest the Court rely on the more generic questions and the information set forth in the proposed voir dire submitted by defendants.

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Defendants object to the following specific questions in the proposed questionnaire.

12 (Too specific as to “progressive discipline, sexual harassment, gender/equity issues.”)

13 (Kroger Corporation is not a party to this lawsuit and should not be mentioned.)

17(b) (The actual verdict should not be revealed.)

20 and 21 (What occurs at the jurors’ place of employment, and whether their employer follows the manual, whatever that means, is not relevant and is unduly suggestive.)

22, 23, 24, 25, 26 (These questions are all argumentative.)

28, 29, 30, 31 (These questions are all argumentative.)

33 and 34 (These are argumentative and subjective; “treat her unfairly,” for example.)

36, 37, 38 (These are argumentative and contrary to the law and should not be accepted.)

39, 40, 41, 42, 43, 44, 45, 46, 47 (All of these are argumentative questions trying to set up the jurors based on personal situations for deciding issues that will be the subject of instructions by the Court.)

48, 49 (The issue “oral or written promise” is not an issue in this case and this is irrelevant and argumentative.)

50 (Kroger Corporation is not a party and should not be mentioned.)

53 (This seeks to have the prospective jurors analyze themselves as to various characteristics, intellectual or emotional. Too personal and inappropriate.)

58, 59, 60, 61, 62 (Again, these are argumentative, trying to set up the premise that someone may have been unfairly treated. These questions should not be given to the jurors as part of any questionnaire.)

Given that the substantial number of proposed questions on the questionnaire are inappropriate, defendants object to any part of this questionnaire being given to the prospective jurors.

RESPECTFULLY SUBMITTED this 2nd day of October, 2007.

MILLER NASH LLP

s/ James R. Dickens

Miller Nash LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352
Phone: (206) 622-8484
Fax: (206) 622-7485
E-mail: jim.dickens@millernash.com
ABA No. 0610063

GRUENSTEIN & HICKEY

s/ Peter Gruenstein

Gruenstein & Hickey
Resolution Plaza
1029 W. 3rd Avenue, Suite 510
Anchorage, AK 99501
Phone: (907) 258-4338
Fax: (907) 258-4350
E-mail: ghlaw@gci.net
ABA No. 7910079

Attorneys for Defendants

MILLER NASH LLP
ATTORNEYS AT LAW
4400 TWO UNION SQUARE
601 UNION STREET, SEATTLE WA 98101-2352
TELEPHONE (206) 622-8484

Certificate of Service

I hereby certify that on October 2, 2007,
a copy of the foregoing was served
electronically on:

Mark Choate
lawyers@choatelawfirm.com

s/ James R. Dickens